

### **REMARKS**

Applicant's attorney wishes to extend his thanks to Examiner Cordray for his suggestions given in the teleconference of December 7, 2006. As we discussed, a new Abstract is provided in this amendment. Also, claims 33 and 60 have been canceled.

Currently, claims 1, 3-8, 10-12, 14-18, 20-32, 34-35, 47-52, 54-59, and 61-64 remain pending in the present application, including independent claims 1, 21, 27, and 47. In the Office Action, claims 27-32, 34, and 35 were allowed. Also, the subject matter of claims 4-5, 13, 21-25, 50, 56, and 62-64 was indicated as being allowable. As shown above, the limitation of claim 13 has been incorporated into claim 1, and claim 21 has been rewritten in independent format. Thus, Applicants respectfully submit that claims 1, 3-8, 10-12, 14-18, and 20-26 are allowable, as indicated in the Office Action.

In the Office Action, claim 47 was rejected under 35 U.S.C. § 101 because a "claimed recitation of a use, without setting forth any steps involved in the process... results in a claim which is not a proper process claim." While true, this statute is not applicable here. Claim 47 clearly recites that the "method *comprises* mechanically treating broke generated from scrap material accumulated during the production of paper products." Emphasis added. Thus, the method includes, at least, the step of "mechanically treating broke." As further described in the present application, the step of mechanically treating broke can involve several different processes (e.g., pulping the broke in a pulper). See, e.g., claim 53. As such, Applicants respectfully submit that claim 47 is proper under § 101.

Likewise, claims 47-64 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite "since the claim does not set forth any steps involved in the

method/process.” Again, however, Applicants point out that claim 47 clearly recites that the “method *comprises* mechanically treating broke generated from scrap material accumulated during the production of paper products.” Emphasis added. Thus, Applicants respectfully submit that claims 47-64 are proper under § 112.

Additionally, independent claim 47 was rejected under 35 U.S.C. § 103 in view of the cited references, even though the claim language contains limitations that are indicated as allowable subject matter. For instance, independent claim 47 specifically requires that the “fiber aggregates have ... a Canadian Standard Freeness value of from about 400 to about 800.” As admitted by the Office Action, the cited references do not disclose the claimed Canadian Standard Freeness Value. In fact, claim 4 was indicated as allowable subject matter because of the limitation that the fiber aggregates have a Canadian Standard Freeness value of from about 400 to about 800. As such, by the Office Action’s own admission, the subject matter of claim 47 is patentable over the cited references. Thus, Applicants respectfully submit that claims 47-52, 54-59, and 61-64 are allowable, and favorable reconsideration is therefore requested.

Applicants respectfully submit that the present application is in complete condition for allowance, and therefore request reconsideration and allowance of all the pending claims. Should Examiner Cordray have any further questions or concerns, however, he is invited and encouraged the undersigned at his convenience.

Please charge any additional fees required by this Amendment to Deposit

Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Alan R. Marshall', written over a horizontal line.

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